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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Franciscans International, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[22 April 1998]

Perspectives on the situation of human rights in the Great Lakes Region of Africa, especially in Burundi and Rwanda

Introduction

1. The situation of human rights has clearly deteriorated in the Great Lakes Region of Africa, especially in Burundi. With the term of the legislature coming to an end in Burundi at the end of June 1998, the polarization and hardening of positions is already creating a climate of violence which should alarm the international community.

2. In Rwanda, there appears to have been some steps taken to improve the human rights situation, according to the report of the Special Representative, Mr. Michel Mussali. However, due to the limits of his mandate, we consider that the Commission on Human Rights is not sufficiently informed on the human rights situation in the country. Previously, this had been well documented in the reports of the Special Rapporteur on the human rights situation in Rwanda, Mr. René Degni-Ségui whose mandate was unfortunately rescinded at the fifty-third session of the Commission in 1997. Rwanda remains traumatized by the 1994 genocide and by the massacres which continue to this day.

3. There seems to be a lack of cooperation on all sides and a slide towards the armed "solution" to problems. It would also seem that the United Nations has lost control in the region and in fact, for many, the United Nations has lost a great deal of credibility. Some observers claim that the genocide of the Hutu and the Tutsi continues in the region. It is therefore important that the international community acting through the United Nations again deal in a serious way with the situation and carry out its responsibilities vis-à-vis the peoples of Burundi and Rwanda.

4. The complexity of the problems in the region are compounded by other factors such as the ongoing conflicts, the drama of thousands of refugees, and the insecurity which affect States, the people and the economy. Our paper will briefly examine the origins and consequences of the situation, recent human rights violations recorded in Burundi and in Rwanda and finally will present recommendations to the attention of the fifty-fourth session of the United Nations Commission on Human Rights.

Common factors in the region

5. Since the source of power and the legitimacy of the Governments did not emanate from the people, the regimes in place must resort to strong-arm militarization to prevent dissent. Those who are in power even conscript the young who obey without realizing what is at stake in the political and economic situation beyond the obvious ethnic undercurrents. The logic of genocide and the inter-ethnic conflicts continue to mark the fight for power and the domination of one over the other.

6. In such a context, the internal conflicts in the region of the Great Lakes are characterized by certain factors which can be found elsewhere. Among these are the following:

- The phenomenon of impunity has allowed the different regimes in power to recruit and train unemployed youth to become members of militias which terrorize the populations. Political massacres even of top government officials including Heads of State and the massacres of civilian populations have gone unpunished.

- The subordination of rights to political interests.

- The question of refugees and the miserable state in which they are placed.

- A multi-party system founded on war without any political programme.

- A demagogic confrontation and an ongoing conflict between those who want power and those who do everything to hold on to it.

- A practice of exclusion in the key sectors of national life: the army and security services, secondary and higher education, senior positions in the public service, diplomacy and magistrates.

- Economic and social problems: the exodus of rural populations to find work, the inadequacy of secondary schools, hunger in certain regions, the World Bank's structural adjustment programmes which limit salaries and devalues money.

- The perverse influence of certain policies of world powers in the region.

Challenge

7. One of the challenges in the region consists in bringing about a national consensus on the source of power and on the foundations of the legitimacy of governing officials in the region. It is also important to guarantee a balance of power between the State and the people; to enshrine constitutionally the protection of ethnic, social, political and economic minorities and majorities, and to create control mechanisms by creating mixed monitoring commissions. Finally, it is imperative to redefine the role of the army by transforming the present view of security and local administration services and to give back to the population its economic responsibility.

Burundi

8. In Burundi, the human rights situation has unfortunately deteriorated notwithstanding the official discourse which does not allow for neutral and independent investigations on the ground. The camps which the international community has criticized have not all been dismantled. There appears to be a policy of regrouping people on new sites which are dictated more by military strategies than humanitarian concerns.

9. The behavior of certain local administrations and military operations reduces the population to a form of slavery and hold them ransom, thereby creating a climate of fear. The male population flees the area and some cases of suicide have been recorded which is another indication of the gravity of the situation.

10. Those who show any sign of independence towards the regime are legally harassed. For example, the President of the National Assembly cannot freely leave the country.

11. Amnesty International reports on cases of arbitrary arrests, on trials of unacceptable international standards, of torture, of disappearances and summary executions remain alarming. However, in cases where independent inquiries are deemed necessary, the regime in power does not seem open to finding ways to arrive at the truth. One of the tragic events occurred in the summer of 1997 when 600 people were killed in the conflict in the North West involving rival Hutu rebels. Then on 1 January 1998 there were the violent episodes around the Bujumbura Airport following attacks by rebel groups. This provoked a strong armed response by the Burundi army using heavy defence equipment. Over 300 unarmed civilians were killed, most of them children, women and elderly people who were not able to escape the gunfire. There were also a number of deaths of military personnel and rebels. On 6 January 1998 another incident occurred in Muramvya where the Health Centre was destroyed and about 87 civilians were injured.

Rwanda

12. The decision by the 1997 Commission on Human Rights to rescind the mandate of the Special Rapporteur on the human rights situation in Rwanda, René Degni-Ségui, and to replace him with a Special Representative was an unfortunate one. It has had repercussions on the human rights situation in the country and will allow other regimes to legitimize withdrawing from the control and surveillance of United Nations human rights mechanisms.

13. While it is recognized that the regime in Kigali has accomplished a lot to reinstal the judiciary, it would seem that it is in the hands of apprentices. The army appears to play a role in the judiciary in orchestrating arrests without proper warrants. Further, the question has been asked whether Rwandan justice is effectively capable of prosecuting crimes against humanity committed by members of the Rwandan Patriotic Army (RPA). Also it would seem that the information services of the Government which does not have the authority to make arrests according to the Arusha Peace Accord still terrorizes the population and makes arbitrary arrests. It is also regrettable that the International Penal Tribunal on Rwanda focuses on the leading figures of the genocide while thousands of innocent people lie in prison, some already condemned to capital punishment and others dying because of miserable prison conditions. According to International Committee of the Red Cross reports there are 120,000 accused waiting judgment.

General recommendations

14. Franciscans International in collaboration with the Dominicans recommends that the Commission:

- Take appropriate measures to put an end to the generalized conflict which threatens the already precarious situation in the whole region.

- Continue to encourage the Governments in Burundi and Rwanda to create in their countries verifiable conditions to reassure refugees who wish to return to their homeland and to guarantee the repatriation of refugees in conditions of security and dignity.

- Provide the International Penal Tribunal with the human and material resources to carry out its mission in the most effective way possible.

- Request States which give refuge to persons wanted by the Tribunal to transfer them to the proper authorities for judgment.

- Assist Governments concerned to bring charges against the perpetrators of all massacres and assassinations in order to break out of the cycle of impunity, while at the same time respecting human rights and fundamental freedoms and avoiding partisan justice.

Recommendations concerning Burundi

15. In terms of Burundi, Franciscans International and Dominicans recommend to the Commission the following:

- To condemn energetically the latest acts of violence and to remind all those involved in the conflict in Burundi of their obligations and responsibilities under international humanitarian law and human rights.

- To renew the mandate of the Special Rapporteur on Burundi, Mr. Paulo Sergio Pinheiro.

- To demand that Burundi authorities guarantee freedom of movement for the President of the National Assembly of Burundi.

- To request an end to the legal harassment of political opponents.

- To take concrete initiatives toward achieving a cease-fire as soon as possible between all parties to the conflict and to begin a true dialogue on the nature of the political organization for the society to be created.

- To invite all concerned international actors, in particular from those countries which have in the past carried out important historical obligations in the region, to commit themselves to the completion of the mediation undertaken by Mwalimu Julius Nyerere and to support convening the next meeting in Arusha.

- To invite also all concerned countries to put an end to the proliferation and to the sale of arms to the region, especially to Burundi.

Recommendations concerning Rwanda

16. In terms of Rwanda, Franciscans International and the Dominicans recommend:

- That the Commission reactivate the mandate of a Special Rapporteur on Rwanda.

- That local and international organizations for the defence of human rights be allowed to freely observe and monitor the respect and implementation by Rwanda of its obligations related to the international human rights instruments which it has ratified.

- That the Government initiate a constructive dialogue aimed at the national reconciliation of all parties.

- That the legal system be fair and that accused persons be guaranteed a fair trial.

- That refugees who have returned to the country be guaranteed appropriate measures of reintegration and protection.